IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1141 (S/S) of 2005

Prahalad Chandra Sarkar,
Son of late Sri Jasmand Sarkar,
Resident to Kalinagar, Tehsil – Gadarpur,
P.O. – Kalinagar,
District – Udham Singh Nagar. **……Petitioner.**

V e r s u s.

1. State of Uttaranchal, through Secretary, Basic Education, Dehradun, Uttaranchal.
2. The Joint Director Education (Basic), Kumaon Region, Nainital, Uttaranchal.
3. Basic Shiksha Adhikari (Service), Nainital.
4. Basic Shiksha Adhikari, Udham Singh Nagar.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Deep Chandra Joshi, learned counsel for the petitioner and learned Standing Counsel for the respondents.

Learned counsel for the both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this petition, the petitioner, who is presently working as Assistant Teacher, in Basic School, District – Nainital, has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher.

The contention of the petitioner is that the petitioner was appointed as Assistant Teacher in Basic School in District

Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioner was teaching in district Nainital, therefore, option was invited from the petitioner and he has opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which name of petitioner is at serial no. 98. The petitioner has made representation several times before the Authority concerned to relieve him for the district – Udham Singh Nagar, for which he has opted. Till date, the respondents have not taken any decision on the representation and he is not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, in any case, whether he is holding the charge of Basic Schools or not, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order. The petitioner is directed to place the copy of this order along with their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools Kumaon Mandal within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 12, 2005
S.K.Sharma